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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Scientific-Atlanta Inc
Intellectual Property Department MS 4.3.510
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EXAMINER

NAJJAR, SALEH

ART UNIT PAPER NUMBER

2157

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,986

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40, 42-44 and 46-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-40, 42-44, 46-57 and 59-69 is/are rejected.
- 7) ☒ Claim(s) 7 and 58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Art Unit: 2157

1. This action is responsive to the amendment filed September 23, 2004. Claims 1-3, 6, 9-10, 15, 20, 28, 34, 42-44, 46-49, and 53-69 were amended. Claims 41, and 45 were canceled. Claims 1-40, 42-44, and 46-69 are pending. Claims 1-40, 42-44, and 46-69 represent method system and product for video on demand catalog viewing preference system.

2. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-3, 5-6, 8-12, 14-17, 19, 56-57, and 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Allport, U.S. Patent no. 6,104,334.

Allport teaches the invention as claimed including a remote control program guide system (see abstract).

As to claim 1, Allport teaches a method for providing media information to a user via an interactive media services client device coupled to a programmable television services server device, said method comprising:

displaying a medial title list that has at least one media title. each media title being displayed in a title area (see figs. 1-8; col. 14, lines 35-40, Allport discloses that a user may generate a view favorites list).

Art Unit: 2157

receiving user input identifying a media title in a title area and requesting that said title area containing said media title be removed from a media title list and deleting said title area containing said media title from said media title list (see col. 10, lines 45-50; col. 14, lines 5-10, Allport discloses that the favorite list can be modified by adding or deleting a media title).

As to claim 2, Allport teaches the method of claim 1, further comprising: transmitting said user input via a remote control device (see fig. 1; col. 11, lines 25-30).

As to claim 3, Allport teaches the method of claim 1, further comprising identifying said media title by highlighting said media title in said title area (see col. 14, line 10).

As to claim 5, Allport teaches the method of claim 1, wherein said media title list is displayed via a television (see fig. 8).

As to claim 6, Allport teaches the method of claim 1, further comprising the step of: restoring said title area containing said media title to said media title list (see col. 14, lines 1-25).

As to claim 8, Allport teaches the method of claim 1, further comprising the step of:

storing information in client device memory identifying said media title as a deleted media title (see col. 15, line 1-20).

As to claim 9, Allport teaches the method of claim 1, further comprising the step of:

excluding said title area containing said media title from a media title list that is presented to the user at a future time (see fig. 8; col. 14).

Claims 10-12, 14-17, 19, 56-57, and 42-44 do not teach or define any new limitations above claims 1-3, 5-6, 8-9 and therefore are rejected for similar reasons.

4. Claims 20-24, 26-27, 28-30, 32-36, and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuen et al., U.S. Patent No. 6,072,520.

Yuen teaches the invention as claimed including a parental control program guide system (see abstract).

As to claim 20, Yuen teaches a method for providing media information to a user via an interactive media services client device coupled to a programmable television services server device, said method comprising:

receiving user input identifying a filtering criterion (see fig. 12; col. 10, lines 40-65, Yuen discloses identifying a filtering criteria);

identifying a media title from a media title list based on said filter criterion: excluding a title area containing said ((a)) media title that meets said filtering criterion from said media title list and displaying said media title list that has at least one title area containing at least one media title except said title area containing said media title that meets said filter criterion (see col. 13-14, Yuen discloses that a filtering criteria could be specified through user ID which will block certain program title from being viewed).

As to claim 21, Yuen teaches the method of claim 20, wherein the media title is a media title that is received by the client device from the server device at a future time (see col. 12-14).

As to claim 22, Yuen teaches the method of claim 20, wherein the media title list is presented to the user at a future time (see col. 12-18).

As to claim 23, Yuen teaches the method of claim 20, wherein the user input is transmitted via a remote control device (see col. 12-14).

As to claim 24, Yuen teaches the method of claim 20, wherein the filtering criterion identified by said user is highlighted (see fig. 8; col. 12-15).

As to claims 26-27, Yuen teaches the method of claim 20, wherein said media title list is displayed via a television and wherein said filtering criterion is selected from a group consisting of: a release year, a movie classification, an actor/actress, a critic rating, a category, and a

Art Unit: 2157

rental fee (see col. 12-15).

Claims 28-30, 32-36, and 38-40 do not teach or define any new limitations above claims 20-24, 26-27 and therefore are rejected for similar reasons.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport.

Allport teaches the invention substantially as claimed including a remote control program guide system (see abstract).

As to claims 4, 13, and 18, Allport teaches the method, system and program of claims 1, 10, and 15 respectively.

Allport fails to teach the claimed limitation where the media title identified is a video on demand media title.

However, "Official Notice" is taken that the concept and advantages of implementing a program guide in a video on demand system is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Allport by specifying the program titles in Allport as video on demand

titles. One would be motivated to do so to implement a system in which program titles selected are viewed instantaneously by the user.

7. Claims 25, 31, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen.

Yuen teaches the invention substantially as claimed including a parental control program guide system (see abstract).

As to claims 25, 31, and 37, Yuen teaches the method, system and program of claims 20, 28, and 34 respectively.

Yuen fails to teach the claimed limitation where the media title identified is a video on demand media title.

However, "Official Notice" is taken that the concept and advantages of implementing a program guide in a video on demand system is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yuen by specifying the program titles in Yuen as video on demand titles. One would be motivated to do so to implement a system in which program titles selected are viewed instantaneously by the user.

8. Claims 48, 61, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen in view of Maissel et al., U.S. Patent No. 6,637,029.

Yuen teaches the invention substantially as claimed including a parental control program guide system (see abstract).

As to claim 48, Yuen teaches the method of claim 45.

Yuen fails to teach the limitation wherein said filtering criterion is whether said user had previously been provided with a media presentation corresponding to said media title.

However, Maissel teaches a intelligent electronic program guide for storing preference of a number of users (see abstract). Maissel teaches wherein said filtering

Art Unit: 2157

criterion is whether said user had previously been provided with a media presentation corresponding to said media title (see col. 11-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yuen in view of Maissel so that a filtering criteria is whether the user had previously been provided with a media presentation corresponding to said media title. One would be motivated to do so to implement a program guide that predicts the program interest of the user.

As to claim 61, Yuen teaches the system of claim 59.

Yuen fails to teach the claimed limitation wherein a plurality of filtering criteria corresponding to a plurality of users are stored in memory.

However, Maissel teaches a intelligent electronic program guide for storing preference of a number of users (see abstract). Maissel teaches wherein a plurality of filtering criteria corresponding to a plurality of users are stored in memory (see col. 11-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yuen in view of Maissel so that a plurality of filtering criteria corresponding to a plurality of users are stored in memory. One would be motivated to do so to implement a program guide that predicts the program interest of several users.

Claim 63 does not teach or define any new limitations above claim 48 and therefore is rejected for similar reasons.

9. Claims 7, and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Applicant's arguments with respect to claims 1-40, 42-44, and 46-69 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2157

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

Saleh Najjar

Primary Examiner / Art Unit 2157